

## REMARKS

Applicants appreciate the Office Action of September 17, 2004. Applicants have included herewith an information disclosure statement including RFC 2518 as requested by the Examiner. Furthermore, Applicants have not amended Figure 2B to indicate "Prior Art" as requested by the Examiner for the reasons discussed herein. Applicants have reviewed the specification and were unable to find errors in need of correction. Finally, Applicants submit that the pending claims are in condition for allowance for at least the reasons discussed herein. Accordingly, allowance of the pending claims is respectfully requested in due course.

### **The Drawings**

Figure 2B stands objected to as not being designated "Prior Art." *See* Office Action, page 2. Applicants have not included a legend indicating that Figure 2B is prior art as Applicants believe that this would be improper. In particular, as stated in the description of the drawings, "Figures 2A - 2C depict several representative examples of syntax that may be used to enable incremental rendering of portal pages, **according to preferred embodiments of the present invention.**" Thus, the syntax illustrated in Figure 2B is used in combination with methods, systems and computer program products according to some embodiments of the present invention. Accordingly, Applicants believe that it would be confusing to label Figure 2B prior art, especially since Figures 2A and 2C would not be labeled prior art. Thus, Applicants have not amended Figure 2B to include the requested legend and respectfully request that the objection with respect to Figure 2B be withdrawn for at least the reasons stated herein.

### **The Specification**

Applicants have filed an information disclosure statement concurrently herewith including a copy of RFC 2518 as requested by the Examiner. Furthermore, Applicants have checked the specification and found no errors in need of correction. Accordingly, Applicants respectfully request that the objections with respect to the specification be withdrawn.

### **Claim Amendments**

Many of the method claims have been amended to eliminate recitations of "step" and many of the computer program product claims have been amended to eliminate "means" language.

### **The Section 112 Rejections**

Claims 1-53 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to particularly comply with the enablement requirement. In particular, the Office Action states that Claims 1, 24, 25, 32, 42 and 46 are not enabled as "no implementation detail was provided as to how Applicant determines that a document does not represent results of all portlets." *See* Office Action, page 4. Applicants respectfully submit that this particular aspect of the present invention may be implemented in many ways known to those having skill in the art without departing from the scope of the present invention. For example, the server/client may include a software module that is configured to keep track of whether the response message that was sent included complete results of all the portals. Thus, the server/client would know when the document does not represent the results of all portlets. Accordingly, Applicants submit that the implementation details would be clear to those having skill in the art and, therefore, respectfully request that the 112 rejections with respect to these claims be withdrawn for at least these reasons. Accordingly, Applicants submit that Claims 1, 24, 25, 32, 42 and 46 and the claims that depend therefrom are in compliance with section 112.

The Office Action further states that Claims 21 and 36 are not enabled as "no implementation detail was provided as to how Applicant determines that portlets have now acquired their content." *See* Office Action, page 4. Again, as discussed above, Applicants respectfully submit that this particular aspect of the present invention may be implemented in many ways known to those having skill in the art without departing from the scope of the present invention. For example, the server/client may include a software module that is configured to keep track of whether the response message that was sent included complete results of all the portals. Thus, the server/client would know when it has or has not acquired their content. Accordingly, Applicants submit that the implementation details would be clear to those having

skill in the art and, therefore, respectfully request that the 112 rejections with respect to these claims be withdrawn for at least these reasons. Accordingly, Applicants submit that Claims 21 and 36 and the claims that depend therefrom are in compliance with section 112.

The Office Action further states that Claims 23 and 41 are not enabled as "no implementation detail was provided as to how Applicant hyperlinks into the first document." *See* Office Action, page 4. Once again, Applicants respectfully submit that this particular aspect of the present invention may be implemented in many ways known to those having skill in the art without departing from the scope of the present invention. For example, the server/client may include a software module that is configured to insert hyperlinks into the requested portlets of the portal page. Methods for inserting hyperlinks in software is well known to those having skill in the art and, therefore, need not be spelled out in the specification. Accordingly, Applicants submit that the implementation details would be clear to those having skill in the art and, therefore, respectfully request that the 112 rejections with respect to these claims be withdrawn for at least these reasons. Accordingly, Applicants submit that Claims 23 and 41 are in compliance with section 112.

### **The Section 103 Rejections**

A. Claims 1-6, 10-16, 24-29, 32-33, 35, 42-44 and 46-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,668,353 to Yurkovic (hereinafter "Yurkovic") in view of *HTML's META-tag: HTTP-EQUIV* by Alan Richmond (hereinafter "Richmond"). Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, Claim 1 recites:

A method of incrementally rendering content in a content framework:  
receiving a request for a portal page, wherein one or more portlets provide content for the portal page;  
**immediately returning a response message containing a first document, the first document representing results from portlets which have acquired their content;**  
and  
**programmatically generating a mechanism for delivering an updated document if the first document does not represent results of all portlets.**

Claims 32 and 46 contain corresponding system and computer program product recitations, respectively. Applicants respectfully submit that at least the highlighted recitations of Claim 1 are neither disclosed nor suggested by the cited combination.

The Office Action states that the following portion of Yurkovic teaches the receiving and immediately returning steps of Claim 1 (*See* Office Action, page 5):

A personal portal is a network search tool that defines a set of user-selected information requests. Whenever the user accesses the network through his personal portal, **the portal gathers information satisfying the specified requests from one or more network-based databases and presents that information to the user as a computer display with a composite format**, thereby providing the user with what is essentially his own personal, customized web page. One such personal portal service is the "My Netscape" portal provided by Netscape Communications Corporation of Mountain View, Calif.

*See* Yurkovic, column 1, lines 25-35. In other words, the background of Yurkovic discusses conventional portals, for example, "My Netscape", that gather all the information and then present the information to the user. In contrast, Claim 1 recites receiving a request for a portal page and **immediately returning** a first document representing results from portlets which have acquired their content. Thus, according to some embodiments of the present invention, the first document is returned immediately before all the information is gathered, *i.e.*, before all the portlets have acquired their content. Accordingly, nothing in Yurkovic discloses or suggests the receiving and immediately returning steps of Claim 1 for at least the reasons discussed above.

The Office Action admits that Yurkovic does not explicitly disclose "programmatically generating a mechanism for delivering an updated document if the first document does not represent results of all portlets" as recited in Claim 1. *See* Office Action, page 5. However, the Office Action points to Richmond as providing the missing teachings. *See* Office Action, page 5. Applicants respectfully disagree. The cited portion of Richmond discusses a META tag "that can be used by caches to determine when to fetch a fresh copy of the associated document." *See* Richmond, page 1. In other words, the data may be updated when the timer expires. In contrast, Claim 1 recites "programmatically generating a mechanism for delivering an updated document if the first document does not represent results of all portlets." In other words, according to some embodiments of the present invention, an updated document may be generated **if** the document does not include all of the portlets. Nothing in the cited portion of Richmond discloses or

suggests the programmatically generating step of Claim 1 for at least the reasons discussed herein.

Accordingly, none of the cited references either alone or in combination disclose or suggest many of the recitations of Claim 1 set out above. Furthermore, there is no motivation or suggestion to combine the cited references as suggested in the Office Action. As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual question of motivation is material to patentability, **and cannot be resolved on subjective belief and unknown authority**. See *In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983).

The Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Richmond for the benefit of Yurkovic, because to do so would allow a programmer to automatically refresh a document as taught by Richmond in p. 1, middle of page discussing the HTTP-EQUIV = "Expires" attribute. These references were all applicable to the same field of endeavor, i.e., web pages/service design.

See Office Action, pages 5-6. This motivation is a motivation based on "subjective belief and unknown authority", the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. If the motivation provided in the Office Action is adequate to sustain the Office's burden of motivation, then anything in the "same field of endeavor" would render a combination obvious. This cannot be the case. Accordingly, the statement in the Office Action with respect to motivation does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. Thus, it appears that the Office Action gains its alleged impetus or suggestion to combine the cited references by hindsight reasoning informed by Applicants' disclosure, which, as noted above, is an inappropriate basis for combining references.

Furthermore, even if Yurkovic and Richmond could be properly combined, the combination of Yurkovic and Richmond would teach a conventional portal having the capability

of being refreshed upon expiration of a timer. Accordingly, even if the cited referenced could be properly combined, the cited combination fails to disclose or suggest the recitations of Claim 1.

Accordingly, Applicants respectfully submit that Independent Claims 1, 32 and 46 are patentable over the cited combination for at these additional reasons. Furthermore, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants submit that Independent Claims 1, 32 and 46 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

By way of further example, Claim 24 recites:

A method of incrementally rendering content in a content framework, comprising:  
receiving a request for a portal page, wherein one or more portlets provide content for the portal page;

**immediately returning a response message containing a first document, the first document representing results from portlets which have acquired their content;**  
and

**automatically delivering an updated document if the first document does not represent results of all portlets.**

Claim 24 is rejected based on the same portions of Yurkovic and Richmond discussed with respect to Claim 1. *See* Office Action, page 14. Applicants respectfully submit that at least the highlighted recitations of Claim 24 are neither disclosed nor suggested by the cited combination. Claim 24 recites "automatically delivering" instead of "programmatically generating" as recited in Claim 1. But for this, the method steps of Claim 24 are the same as those discussed above with respect to Claim 1 and, thus, are patentable over the cited combination for at least the reasons discussed above with respect to Claim 1.

By way of final example, Claim 25 recites:

A method of incrementally rendering content in a content framework, comprising:  
receiving a request for a portal page frame, wherein one or more portlets provide content for the portal page frame;

**immediately returning a response message containing a first mini-document, the first document representing results from portlets which have acquired their content;** and

**programmatically generating a mechanism for delivering an updated mini-document if the first mini-document does not represent results of all portlets.**

Claim 42 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 25 are neither disclosed nor suggested by the cited combination.

The Office Action states that the following portion of Yurkovic teaches the receiving and immediately returning steps of Claim 1 (*See* Office Action, page 15):

A personal portal is a network search tool that defines a set of user-selected information requests. Whenever the user accesses the network through his personal portal, **the portal gathers information satisfying the specified requests from one or more network-based databases and presents that information to the user as a computer display with a composite format**, thereby providing the user with what is essentially his own personal, customized web page. One such personal portal service is the "My Netscape" portal provided by Netscape Communications Corporation of Mountain View, Calif.

*See* Yurkovic, column 1, lines 25-35. In other words, the background of Yurkovic discusses conventional portals, for example, "My Netscape", that gather all the information and then present the information to the user. In contrast, Claim 1 recites receiving a request for a portal page and **immediately returning** a response message containing a first mini-document, the first document representing results from portlets which have acquired their content. Thus, according to some embodiments of the present invention, the first mini-document is returned immediately before all the information is gathered, *i.e.*, before all the portlets have acquired their content. Accordingly, nothing in Yurkovic discloses or suggests the receiving and immediately returning steps of Claim 25 for at least the reasons discussed above.

The Office Action admits that Yurkovic does not explicitly disclose "programmatically generating a mechanism for delivering an updated mini-document if the first mini-document does not represent results of all portlets" as recited in Claim 25. *See* Office Action, page 15. However, the Office Action points to Richmond as providing the missing teachings. *See* Office Action, page 15. Applicants respectfully disagree. The cited portion of Richmond discusses a META tag "that can be used by caches to determine when to fetch a fresh copy of the associated document." *See* Richmond, page 1. In other words, the data may be updated when the timer expires. In contrast, Claim 1 recites "programmatically generating a mechanism for delivering an updated mini-document if the first mini-document does not represent results of all portlets." In other words, according to some embodiments of the present invention, an updated mini-

document is generated if the first mini-document does not include all of the portlets, not upon the expiration of a timer. Nothing in the cited portion of Richmond discloses or suggests the programmatically generating step of Claim 25 for at least the reasons discussed herein.

Furthermore, as discussed above with respect to Claim 1, none of the cited references either alone or in combination disclose or suggest many of the recitations of Claim 25 set out above. The Office Action states:

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Richmond for the benefit of Yurkovic, because to do so would allow a programmer to automatically refresh a document as taught by Richmond in p. 1, middle of page discussing the HTTP-EQUIV = "Expires" attribute. These references were all applicable to the same field of endeavor, i.e., web pages/service design.

See Office Action, pages 15. This motivation is a motivation based on "subjective belief and unknown authority", the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. If the motivation provided in the Office Action is adequate to sustain the Office's burden of motivation, then anything in the "same field of endeavor" would render a combination obvious. This cannot be the case. Accordingly, the statement in the Office Action with respect to motivation does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. Thus, it appears that the Office Action gains its alleged impetus or suggestion to combine the cited references by hindsight reasoning informed by Applicants' disclosure, which, as noted above, is an inappropriate basis for combining references.

Furthermore, even if Yurkovic and Richmond could be properly combined, the combination of Yurkovic and Richmond would teach a conventional portal having the capability of being refreshed upon expiration of a timer. Accordingly, even if the cited referenced could be properly combined, the cited combination fails to disclose or suggest the recitations of Claim 25.

Accordingly, Applicants respectfully submit that Independent Claims 25 and 42 are patentable over the cited combination for at these additional reasons. Furthermore, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants submit that Independent Claims 25 and 42 and the



claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

### **The Dependent Claims**

Claims 2-6, 10-16, 26-29, 33, 35, 43-44 and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yurkovic in view of Richmond. Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yurkovic in view of Richmond in further view of United States Patent No. 6,453,361 to Morris (hereinafter "Morris"). Claims 17-22, 30-31, 34, 36-40, 45 and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yurkovic in view of Richmond in further view of *SAMS Teach Yourself Web Publishing with HTML 4 in 21 Days, 2<sup>nd</sup> Edition* by Laura LeMay (hereinafter "LeMay"). Claims 23 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yurkovic in view of Richmond in further view United States Patent Publication No. 2002/0026500 to Kanefsky *et al.* (hereinafter "Kanefsky"). As discussed above, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Many of the dependent claims are also separately patentable.

For example, Claim 16 recites:

The method according to Claim 2, further comprising:  
receiving a subsequent request for the portal page, the subsequent request having been automatically sent responsive to receiving the refresh trigger; and  
returning a subsequent response comprising the updated document, responsive to receiving the subsequent request, **the updated document being a subsequent version of the first document and representing results from portlets which have acquired their content thus far and which omits the refresh trigger only if all portlets have now acquired their content.**

Claims 35 and 49 contain corresponding system and computer program product recitations, respectively. The Office Action admits that Yurkovic does not specifically disclose the recitations of Claim 16. *See* Office Action, page 13. However, the Office Action points to Richmond as providing the missing teachings. The cited portion of Richmond discusses a META tag that is not invoked for 90 seconds. *See* Richmond, page 2. In contrast, Claim 16 recites returning an updated document including results from portlets which have acquired their content and omitting the refresh trigger only if all portlets now have acquired their content.

Nothing in Richmond discloses or suggests omitting the refresh trigger as recited in Claim 16. Accordingly, Claims 16, 35 and 49 are separately patentable over the cited references for at least these additional reasons.

By way of further example, Claim 21 recites:

The method according to Claim 17, further comprising:

**detecting that one or more of the portlets which had not acquired their content when the first document was returned in the response message have now acquired their content;** and

sending, responsive to detecting, a subsequent response message containing a revised version of the first document, the revised version representing results from the one or more portlets and being embedded in a subsequent part of the multipart document.

The Office Action admits that Yurkovic does not disclose the recitations of Claim 21. *See* Office Action, page 25. However, the Office Action points to LeMay as providing the missing teachings. *See* Office Action, page 25. Applicants note that although the Office Action specifically states that LeMay provides the missing teachings, the specific references on page 25 of the Office Action are to Richmond. Thus, Applicants have drafted the response as if Claim 21 was rejected in view of Yurkovic and Richmond. The cited portion of Richmond discusses a META tag that is not invoked for 90 seconds. *See* Richmond, page 2. In contrast, Claim 21 recites detecting that one or more of the portlets which had not acquired their content when the first document was returned in the response message have now acquired their content. Nothing in Richmond discloses or suggests these recitations of Claim 21. Accordingly, Claim 21 separately patentable over the cited references for at least these additional reasons.

Furthermore, as discussed above, each of the dependent claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of some combination of Yurkovic, Richmond, Morris, LeMay and Kanefsky. Applicants respectfully submit that there is no motivation or suggestion to combine the cited references as suggested in the Office Action. The motivations provided in the Office Action are motivations based on "subjective belief and unknown authority", the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. Furthermore, even if the references could be properly combined, the combination

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of Yurkovic and Richmond would not disclose or suggest the recitations of many of the dependent claims. Accordingly, the dependent claims are separately patentable over the cited combination for at least these additional reasons.

### CONCLUSION

Applicants respectfully submit that pending claims are in condition for allowance, which is respectfully requested in due course. Favorable examination and allowance of the present application is respectfully requested.

Respectfully submitted,



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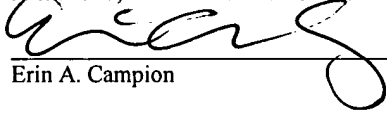
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